

Filed 1/20/2021 3:05 PM
Tammy Robinson
District Clerk
Taylor County, Texas
Shara Smith

12346-D
NO. _____

DAVID HILTON
Plaintiff,

vs.

BRANDON COLE ALEXANDER,
TIMOTHY R. GEORGE, TRANSCORR,
LLC, 5J OILFIELD SERVICES, LLC,
ADVANTAGE BUCKET TRUCK
SERVICES, LLC, JOHN DOE 1, AND
JOHN DOE 2

Defendants.

IN THE DISTRICT COURT OF

TAYLOR COUNTY, TEXAS

Taylor County - 350th District Court

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, David Hilton, complaining of Defendants, and for cause of action shows the following:

I.
Discovery Control Plan

Plaintiff intends for discovery to be conducted under Level Three (3).

II.
Parties

Plaintiff is an individual resident of Lafayette County, Louisiana.

Defendant Brandon Cole Alexander, an individual, may be served with process at 3602 Rolling Green Dr., Abilene, TX, 79606 or wherever he may be found.

Defendant Timothy R. George is an individual whose last known address is 412 N. Clark Street, Lebanon, IN 46052. Pursuant to Tex. Civ. Prac. & Rem. Code Chap. 17, Subchapter D, service of Process may be obtained on Defendant by serving two (2) copies of this pleading and the citation, issued in the name of the Defendant, with the Chair of the Texas Transportation

EXHIBIT

A

Commission listed as the Agent of Service:

J. Bruce Bugg, Jr., Chair
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701-2483

Upon receipt, the Texas Transportation Commission shall forward a copy of the process to the nonresident motorist by registered or certified mail to:

Timothy R. George
412 N. Clark Street
Lebanon, IN 46052.

Defendant TRANSCORR, LLC., is an Indiana Limited Liability Company with its principal address at 1101 Harding Court, Indianapolis, IN. and is licensed and registered as an interstate motor carrier. TRANSCORR engaged in business in the State of Texas by allowing its employee, agent or servant to operate a motor vehicle on the roads and highways of the State of Texas and in so doing said employee, agent or servant, was involved in a motor vehicle collision with Plaintiff in Texas. TRANSCORR filed a form BOC-3 with the Federal Motor Carrier Safety Administration making a blanket designation naming Ramon Sandoval at 1519 WEST HOUSTON ST, SAN ANTONIO TX, 78207 as the process agent for process in the State of Texas. Therefore, service of process may be made by serving TRANSCORR'S registered agent, Ramon Sandoval at 1519 WEST HOUSTON ST, SAN ANTONIO TX, 78207.

Defendant 5J Oilfield Services, LLC, a Texas Limited Liability Company, may be served with process through its registered agent, Jeffrey Fultz at 1221 MCKINNEY SUITE 4300, HOUSTON TX, 77010 or wherever he may be found.

Defendant Advantage Bucket Truck Services, LLC, a Domestic Limited Liability Company, may be served with process through its registered agent, Paul A. Peveto, at 3325 Southwestern, Manvel, Texas 77578 or wherever he may be found.

Defendant, John Doe 1, was employed by Defendant 5J Oilfield Services, LLC, as the driver of the oversized load, made the basis of this lawsuit, on March 16, 2019. The identity of the driver for the oversized load of Defendant 5J Oilfield Services, LLC, is unknown to Plaintiff despite Plaintiff's best efforts to identify the driver. Plaintiff files suit against this "John Doe" Defendant for the purpose of preserving the Statute of Limitations against this Defendant and intends to serve said individual with citation and process when his/her identity becomes known.

Defendant, John Doe 2, was employed by Defendant Advantage Bucket Truck Services, LLC, as the driver of the escort vehicle, made the basis of this lawsuit, on March 16, 2019. The identity of the driver for the escort vehicle of Advantage Bucket Truck Services, LLC, is unknown to Plaintiff despite Plaintiff's best efforts to identify the driver. Plaintiff files suit against this "John Doe" Defendant for the purpose of preserving the Statute of Limitations against this Defendant and intends to serve said individual with citation and process when his/her identity becomes known.

III.
RESPONDEAT SUPERIOR

Whenever in this Petition it is alleged that Defendant 5J Oilfield Services, LLC did or failed to do any particular act and/or omission, it is meant that Defendant John Doe 1, acting individually, or by and through its agents, officers, directors, servants, manager, and employees, either did or failed to do that particular act and/or omission, in the course and scope of its employment, agency or contract with Defendant 5J Oilfield Services, LLC, and in the furtherance of Defendant 5J Oilfield Services, LLC's business, including but not limited to the following elements of liability:

1. Plaintiff was injured as the result of a tort;
2. The tortfeasor was an employee of Defendant SJ Oilfield Services, LLC; and
3. The tort was committed while the employee was acting within the scope of employment; that is, the act was
 - a. within the employee's general authority;
 - b. in furtherance of Defendant SJ Oilfield Services, LLC's business, and
 - c. for the accomplishment of the object for which the employee was hired.

Whenever in this Petition it is alleged that Defendant Advantage Bucket Truck Services, LLC did or failed to do any particular act and/or omission, it is meant that Defendant John Doe 2, acting individually, or by and through its agents, officers, directors, servants, manager, and employees, either did or failed to do that particular act and/or omission, in the course and scope of its employment, agency or contract with Defendant Advantage Bucket Truck Services, LLC, and in the furtherance of Defendant Advantage Bucket Truck Services, LLC's business, including but not limited to the following elements of liability:

1. Plaintiff was injured as the result of a tort;
2. The tortfeasor was an employee of the Defendant Advantage Bucket Truck Services, LLC; and
3. The tort was committed while the employee was acting within the scope of employment; that is, the act was
 - a. within the employee's general authority;
 - b. in furtherance of the Defendant Advantage Bucket Truck Services, LLC's business, and

c. for the accomplishment of the object for which the employee was hired.

Whenever in this Petition it is alleged that Defendant TRANSCORR, LLC did or failed to do any particular act and/or omission, it is meant that Defendant Timothy R. George, acting individually, or by and through its agents, officers, directors, servants, manager, and employees, either did or failed to do that particular act and/or omission, in the course and scope of its employment, agency or contract with Defendant TRANSCORR, LLC, and in the furtherance of Defendant TRANSCORR, LLC's business, including but not limited to the following elements of liability:

1. Plaintiff was injured as the result of a tort;
2. The tortfeasor was an employee of the Defendant TRANSCORR, LLC; and
3. The tort was committed while the employee was acting within the scope of employment; that is, the act was
 - a. within the employee's general authority;
 - b. in furtherance of the Defendant TRANSCORR, LLC's business, and
 - c. for the accomplishment of the object for which the employee was hired.

IV.
Jurisdiction and Venue

Jurisdiction is proper in this Court because Plaintiff is entitled to damages in excess of the minimum jurisdiction of this Court. Although Plaintiff has confidence that the Jury will award a fair and just amount of damages in this matter, Plaintiff is required to plead a specific amount of damages or Defendants may seek Court intervention. Accordingly, although Plaintiff leaves the

amount of damages to the Jury, Plaintiff would show the Court and Jury that due to the negligence of Defendants, Plaintiff seeks monetary relief of \$250,000.00 or less and non-monetary relief.

Venue is proper in Taylor County, Texas, pursuant to § 15.002(a)(1), of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, because it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

V.
Facts

Plaintiff brings suit to recover damages sustained in a motor vehicle crash.

On March 16, 2019, Defendants John Doe 1 and 5J Oilfield Services, LLC transported an oversized load, which was followed by the escort vehicle of Defendants John Doe 2 and Advantage Bucket Truck Services, LLC. As they approached an interstate exit, Defendants John Doe 1, 5J Oilfield Services, LLC, John Doe 2, and Advantage Bucket Truck Services, LLC, improperly blocked all traffic. As a result, Plaintiff was involved in a multi-vehicle crash with Defendants Timothy R. George, and Brandon Cole Alexander.

Plaintiff was injured as a result of the crash.

VI.
Negligence

Defendants were guilty of negligence including, but not limited to, the following acts and omissions, each of which was a proximate cause of the occurrence in question:

- a. Failing to maintain a proper lookout;
- b. Failing to control speed;
- c. Failing to pay attention while driving;
- d. Failing to properly escort an oversized haul;
- e. Blocking a road;

- f. Failing to drive in a single lane; and
- g. Changing lanes when unsafe;

VII.
Damages

Plaintiff suffered the following legal damages as a result of the conduct of the Defendants:

- A. Medical, hospital, pharmaceutical expenses in the past;
- B. Medical, hospital, pharmaceutical expenses that, in reasonable probability Plaintiff will incur in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering that, in reasonable probability, Plaintiff will suffer in the future;
- E. Mental anguish in the past;
- F. Mental anguish that, in reasonable probability, Plaintiff will suffer in the future;
- G. Physical impairment in the past;
- H. Physical impairment that, in reasonable probability, Plaintiff will suffer in the future;
- I. Loss of wage earning capacity in the past; and,
- J. Loss of wage earning capacity that, in reasonable probability, Plaintiff will suffer in the future;
- K. Property damage of Plaintiff's vehicle; and,
- L. Diminished value of Plaintiff's vehicle.

VIII.
Required Disclosures

Pursuant to TEX. R. CIV. P. 194, Defendants are required to disclose to Plaintiff, at the office of the undersigned counsel for Plaintiff, all information or material described in Rules 194.2, 194.3, and 194.4 within 30-days after the filing of Defendant's first answer to Plaintiff's Original Petition.

IX.
Court Costs, Pre-Judgment and Post-Judgment Interest

Plaintiff is entitled to recover court costs, pre-judgment and post-judgment interest at the legal rate as provided by law.

X.
Jury Trial

Plaintiff demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be duly cited in terms of law to appear and answer and that Plaintiff recovers judgment against Defendants for Plaintiff's damages along with pre-judgment and post-judgment interest at the legal rate; costs of Court and for such other and further relief to which Plaintiff may be entitled under equity and in law.

Respectfully submitted,

THE JAMES LAW FIRM

By: /s/ K. James
Katherine M. James
State Bar No. 24091634
John Hallman
State Bar No. 24092474
1095 Evergreen Circle, Suite 537
The Woodlands, TX 77380
281.962.8985/Phone
281.962.5183/Fax
kj@katherinejameslaw.com
jh@katherinejameslaw.com
Counsel for Plaintiff

dsy PSC4491

1/26/21

THE STATE OF TEXAS
Case No. 12346-D

NOTICE TO DEFENDANT: "The citation shall include the following notice to the defendant: 'You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.'"

TO: 5J Oilfield Services, LLC
1221 McKinney
Suite 4300
Houston TX 77010

Defendant, GREETINGS:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 350th District Court of Taylor County, Texas, at the Courthouse of said County in Abilene, Texas.

Said Plaintiff's Petition was filed in said Court, by Katherine M. James, 1095 Evergreen Circle Suite 537 The Woodlands TX 77380 on January 20, 2021 in this case, numbered 12346-D on the docket of said court, and styled,

DAVID HILTON VS. BRANDON COLE ALEXANDER, TIMOTHY R. GEORGE, TRANSCORR, LLC, 5J OILFIELD SERVICES, LLC, ADVANTAGE BUCKET TRUCK SERVICES, LLC, JOHN DOE 1, AND JOHN DOE 2

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and the seal of said Court at Abilene, Texas, on this the 21st day of January, 2021.

Attached Per Request of Attorney:

Clerk's Name and Address:
Tammy Robinson, District Clerk
Taylor County Courthouse
Suite 400
Abilene, Texas 79602



Shara Smith
Shara Smith Deputy

RETURN OF SERVICE

12346-D 350th District Court

David Hilton vs. Brandon Cole Alexander, Timothy R. George, Transcorr, LLC, 5J Oilfield Services, LLC, Advantage Bucket Truck Services, LLC, John Doe 1, And John Doe 2

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the
____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

5J Oilfield Services, LLC 1221 McKinney Suite 4300 Houston TX 77010

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock _____.m., and
executed in _____ County, Texas by delivering to each of the within named defendants in
person, a true copy of this Citation with the date of delivery endorsed thereon, together with the
accompanying copy of the Plaintiff's Original Petition at the following times and places, to-wit:

Name _____ Date/Time _____ Place, Course and Distance from Courthouse _____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$_____
Total \$_____

_____, Officer
_____, County, Texas

By: _____, Deputy

_____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation
shall sign the return. The signature is not required to be verified. If the return is signed by a person other
than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under
penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my
address is _____.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of

PLS PSC4491

1/26/21

THE STATE OF TEXAS
Case No. 12346-D

NOTICE TO DEFENDANT: "The citation shall include the following notice to the defendant: 'You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.'"

TO: 5J Oilfield Services, LLC
1221 McKinney
Suite 4300
Houston TX 77010

Defendant, GREETINGS:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 350th District Court of Taylor County, Texas, at the Courthouse of said County in Abilene, Texas.

Said Plaintiff's Petition was filed in said Court, by Katherine M. James, 1095 Evergreen Circle Suite 537 The Woodlands TX 77380 on January 20, 2021 in this case, numbered 12346-D on the docket of said court, and styled,

DAVID HILTON VS. BRANDON COLE ALEXANDER, TIMOTHY R. GEORGE, TRANSCORR, LLC, 5J OILFIELD SERVICES, LLC, ADVANTAGE BUCKET TRUCK SERVICES, LLC, JOHN DOE 1, AND JOHN DOE 2

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and the seal of said Court at Abilene, Texas, on this the 21st day of January, 2021.

Attached Per Request of Attorney:

Clerk's Name and Address:
Tammy Robinson, District Clerk
Taylor County Courthouse
Suite 400
Abilene, Texas 79602



Shara Smith
Shara Smith, Deputy

**5J OILFIELD SERVICES LLC
4090 N HWY 79
PALESTINE TX 75801**

ALLAMERICAN AGENTS OF PROCESS

PO BOX 1065, SIOUX FALLS SD 57101-1065

Ph (605) 335-8840 Fx (888) 343-0996

January 29, 2021

5J Oilfield Services LLC
4090 N US Hwy 79
Palestine, TX 75801

**RE: MC698213, CITATION AND PLAINTIFF'S ORIGINAL PETITION,
DAVID HILTON (Plaintiff), CASE NO. 12346-D**

To Whom It May Concern:

AllAmerican Agents of Process received the enclosed information, on behalf of 5J Oilfield Services LLC. The original documents have been previously forwarded to you.

Also enclosed find our invoice for service provided. Please make payment upon receipt.

Sincerely,

Customer Service

ALLAMERICAN AGENTS OF PROCESS

PO BOX 1065, SIOUX FALLS SD 57101-1065

Ph (605) 335-8840 Fx (888) 343-0996

5J OILFIELD SERVICES LLC
4090 N HWY 79
PALESTINE TX 75801

<u>Description</u>	<u>Charge</u>
Service of Papers for MC698213 Date of Service – 1/26/21 TX/ CITATION AND PLAINTIFF'S ORIGINAL PETITION, DAVID HILTON (Plaintiff), CASE NO. 12346-D	\$100.00
TOTAL CHARGES:	\$100.00

Payment is due upon receipt.

Mail check or money order to:
AllAmerican Agents of Process
P.O. Box 1065, Sioux Falls SD 57101-1065

To pay with credit card, complete the information below and fax to (888) 343-0996

Cardholder Signature: _____
By signing, I authorize the use of the credit card information provided for the amount listed above.

Cardholder Name: _____ Card Code *: _____

Credit Card #: _____ Exp. Date: _____

Credit Card Billing Address: _____ Billing Zip: _____



**U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Licensing and Insurance Public**

Motor Carrier Details

US DOT:	1973508	Docket Number:	MC00698213	
Legal Name:	5J OILFIELD SERVICES LLC			
Doing-Business-As Name:				
Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
4090 N US HWY 79 PALESTINE TX 75801	(903) 723-0253 Fax: (903) 729-2051			NO
Authority Type	Authority Status		Application Pending	
Common	ACTIVE		NO	
Contract	ACTIVE		NO	
Broker	INACTIVE		NO	
Property	Passenger	Household Goods	Private	Enterprise
YES	NO	NO	NO	NO
Insurance Type	Insurance Required		Insurance on File	
BIPD	\$1,000,000		\$1,000,000	
Cargo	NO		YES	
Bond	YES		NO	

BOC-3: YES

Blanket Company: ALL AMERICAN AGENTS OF PROCESS

Web Site Content and BOC-3 Information Clarification

<u>Active/Pending Insurance</u>	<u>Rejected Insurance</u>	<u>Insurance History</u>	<u>Authority History</u>	<u>Pending Application</u>	<u>Revocation</u>
January 29, 2021					

[FMCSA Home](#) | [DOT Home](#) | [Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-Ins](#) | [Related Sites](#) | [Help](#)



Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - [Field Office Contacts](#)

AFFIDAVIT OF SERVICE

State of Texas

County of Taylor

350th District Court

Case Number: 12346-D

Plaintiff:

David Hilton

vs.

Defendant:

Brandon Cole Alexander, Timothy R. George, Transcorr, LLC, 5J Oilfield Services, LLC, Advantage Bucket Truck Services, LLC, John Doe 1, and John Doe 2

For:

The James Law Firm
440 Louisiana
Suite 900
Houston, TX 77002

Received by Legal Process Resources on the 22nd day of January, 2021 at 10:50 am to be served on Timothy R. George By serving the Texas Transportation Commission, 125 East 11th Street, Austin, Travis County, TX 78701.

I, Mike Techow, being duly sworn, depose and say that on the 25th day of January, 2021 at 8:21 am, I:

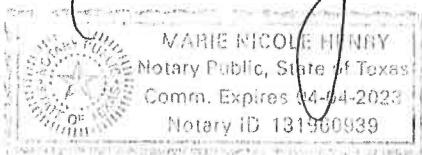
SERVICE BY CERTIFIED MAIL served by delivering a true copy of the Two Copies Citation and Plaintiff's Original Petition with \$25 Texas Transportation Commission Fee with the date of service endorsed thereon by me, to: Randall Tod, Texas Transportation Commission at the address of: 125 East 11th Street, Austin, Travis County, TX 78701, and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

1/22/2021 Sent CMRRR # 7019 2970 0002 1380 7442

I certify that I am over the age of 18, of sound mind, have no interest in the above action. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 27th day of January, 2021 by the affiant who is personally known to me.

Marie Nicole Henry
NOTARY PUBLIC

 Mike Techow
PSC-1215, Exp. 7/31/2022

 Legal Process Resources
 P.O. Box 924
 Seabrook, TX 77586
 (281) 830-6000
Our Job Serial Number: MST-2021000475
Ref: Hilton v. Alexander, George, et al



January 27, 2021

Dear Mike Techow:

The following is in response to your request for proof of delivery on your item with the tracking number:
7019 2970 0002 1380 7442.

Item Details

Status:	Delivered
Status Date / Time:	January 25, 2021, 8:21 am
Location:	AUSTIN, TX 78714
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	6.0oz
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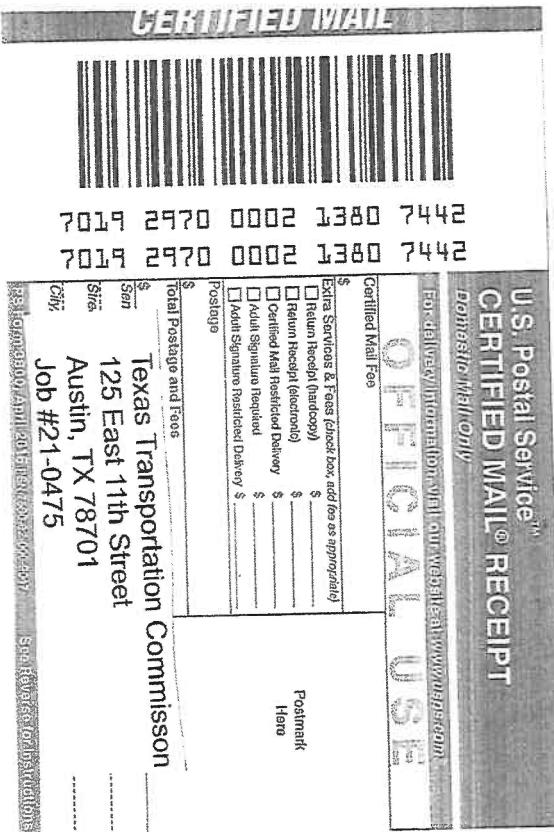
Recipient Signature

Signature of Recipient:	 Kendall Tod
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



Texas Transportation Commission
125 East 11th Street
Austin, TX 78701

THE STATE OF TEXAS
Case No. 12346-D

NOTICE TO DEFENDANT: "The citation shall include the following notice to the defendant: 'You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.'

TO: Brandon Cole Alexander
3602 Rolling Green Drive
Abilene TX 79606

Defendant, GREETINGS:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 350th District Court of Taylor County, Texas, at the Courthouse of said County in Abilene, Texas.

Said Plaintiff's Petition was filed in said Court, by Katherine M. James, 1095 Evergreen Circle Suite 537 The Woodlands TX 77380 on January 20, 2021 in this case, numbered 12346-D on the docket of said court, and styled,

DAVID HILTON VS. BRANDON COLE ALEXANDER, TIMOTHY R. GEORGE, TRANSCORR, LLC, 5J OILFIELD SERVICES, LLC, ADVANTAGE BUCKET TRUCK SERVICES, LLC, JOHN DOE 1, AND JOHN DOE 2

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and the seal of said Court at Abilene, Texas, on this the 21st day of January, 2021.

Attached Per Request of Attorney:

Clerk's Name and Address:
Tammy Robinson, District Clerk
Taylor County Courthouse
Suite 400
Abilene, Texas 79602



Shara Smith, Deputy
Shara Smith

RETURN OF SERVICE

12346-D 350th District Court

David Hilton vs. Brandon Cole Alexander, Timothy R. George, Transcorr, LLC, 5J Oilfield Services, LLC, Advantage Bucket Truck Services, LLC, John Doe 1, And John Doe 2

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the
____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

Brandon Cole Alexander 3602 Rolling Green Drive Abilene TX 79606

OFFICER'S RETURN

Came to hand on the 21st day of January, 2021, at 5:26, o'clock P.m., and
executed in Taylor County, Texas by delivering to each of the within named defendants in
person, a true copy of this Citation with the date of delivery endorsed thereon, together with the
accompanying copy of the Plaintiff's Original Petition at the following times and places, to-wit:

Name Brandon Cole Alexander Date/Time 1/28/21 8:05pm Place, Course and Distance from Courthouse 3602 Rolling Green #711
Abilene, Tx
79606

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____
Total \$ _____

_____, Officer
_____, County, Texas

By: _____, Deputy

_____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation
shall sign the return. The signature is not required to be verified. If the return is signed by a person other
than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under
penalty of perjury and contain the following statement:

"My name is Connie L. Vaden, my date of birth is 13-36-56, and my
address is P.O. Box 5686 Abilene, TX 79608

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in Taylor County, State of Texas, on the 22nd day of

January 2021

Declarant/Authorized Process Server
RSC 9998 10/1/22
(Id # & expiration of certification)

CAUSE NO. 12346-D

DAVID HILTON

§

IN THE COURT OF

Plaintiff,

§

VS.

§

TAYLOR COUNTY,

BRANDON COLE ALEXANDER, TIMOTHY R. GEORGE,
TRANSCORR, LLC, 5J OILFIELD SERVICES, LLC,
ADVANTAGE BUCKET TRUCK SERVICES, LLC, JOHN
DOE 1, AND JOHN DOE 2

§

Defendant.

§

350TH JUDICIAL DISTRICT

DECLARATION OF SERVICE

"The following came to hand on Jan 22, 2021, 9:21 am, to be delivered to TRANSCOR, LLC BY SERVING THE REGISTERED AGENT, RAMON SANDOVAL, at 1519 W Houston St, San Antonio, TX 78207

CITATION; PLAINTIFF'S ORIGINAL PETITION,

and was executed at 1519 W Houston St, San Antonio, TX 78207 within the county of BEXAR at 06:52 PM on Mon, Jan 25 2021, by delivering a true copy to the within named

TRANSCOR, LLC BY SERVING THE REGISTERED AGENT, RAMON SANDOVAL

in person, having first endorsed the date of delivery on same.

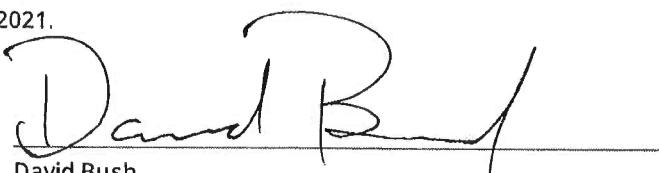
I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have personal knowledge of the facts stated herein and they are true and correct."

Description of recipient:

Age: 50; Ethnicity: Caucasian; Gender: Male; Weight: 220; Height: 5'9"; Hair: Brown;

My name is David Bush, my date of birth is 03/07/1957, and my address is 2939 Mossrock Lane Suite 280, San Antonio, TX 78230, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in BEXAR County, State of TEXAS, on January 26, 2021.



David Bush
Certification Number: PSC 11303
Certification Expiration: 1/31/2022

NO. 12346-D

DAVID HILTON § IN THE 350TH DISTRICT COURT
§
V. § OF
§
BRANDON COLE ALEXANDER, §
TIMOTHY R. GEORGE, TRANSCORR, §
LLC, 5J OILFIELD SERVICES, LLC, §
ADVANTAGE BUCKET TRUCK §
SERVICES, LLC, JOHN DOE 1 AND §
JOHN DOE 2 § TAYLOR COUNTY, TEXAS

**DEFENDANT ADVANTAGE BUCKET TRUCK SERVICES, LLC'S
ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, ADVANTAGE BUCKET TRUCK SERVICES, LLC, a Defendant, in the above styled and numbered cause of action, and makes this its answer to the Plaintiff's Original Petition, as follows:

1.

GENERAL DENIAL

Pursuant to **Rule 92, Texas Rules of Civil Procedure**, this Defendant generally denies each and every material allegation set forth against it in Plaintiff's Original Petition and demands that Plaintiff prove the same as required by law.

2.

SPECIAL EXCEPTIONS

This Defendant specially excepts to Plaintiff's Original Petition wherein Plaintiff is seeking damages in excess of the minimum jurisdictional limits of this Court. This does not give fair notice to the Defendant of how much is being claimed against them. Pursuant to **Rule 47 and 56, Texas Rules of Civil Procedure**, this Defendant demands that Plaintiff set forth with specificity the

maximum amount being claimed in this lawsuit and specify their damages. For the reasons set forth above, this Defendant prays judgment of this Court.

3.

AFFIRMATIVE DEFENSES

This Defendant would affirmatively assert that this accident made the basis of this lawsuit was due to third parties or instrumentalities not under the control of Advantage Bucket Truck Services, LLC, and that there was a new and independent cause or intervening act.

4.

This Defendant would affirmatively assert that Plaintiff was negligent and that the negligence of the Plaintiff was a proximate cause of this accident made the basis of this lawsuit. The doctrine of proportional responsibility is applicable herein.

5.

This Defendant would further affirmatively assert that the mere fact that an accident happens standing alone does not infer the negligence of any party to it.

6.

This Defendant would further affirmatively assert that Plaintiff's medical should be limited to the actually medical paid or incurred and not the medical charged, pursuant to *Texas Civil Practice & Remedies Code, §41.0105* and *Haygood v. DeEscabedo, 356 S.W.3d 390 (Tex. 2011)*.

7.

This Defendant further reserves the right to amend its answer upon completion of discovery.

PRAYER

WHEREFORE, PREMISES CONSIDERED, this Defendant prays that Plaintiff take nothing

by this suit; that this Defendant be dismissed therefrom; that this Defendant recovers its costs herein expended, and that this Defendant be granted such further relief to which it may be justly entitled.

Respectfully submitted,

CRAIG, TERRILL, HALE & GRANTHAM, LLP
9816 Slide Road, Suite 201
Lubbock, Texas 79424
(806) 744-3232 - Tel
(806) 744-2211 - Fax

/s/ Robert L. Craig, Jr.
Robert L. Craig, Jr.
SBN: 04987300
bobc@cthglawfirm.com
Marcy M. Erwin
SBN 24047248
merwin@cthglawfirm.com
Attorneys for Defendant
Advantage Bucket Truck Services, LLC

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing has been eserved on counsel of record on this the 15TH day of February, 2020, as follows:

jh@katherinejameslaw.com
John Hallman
kj@katherinejameslaw.com
Katherine James
THE JAMES LAW FIRM
1095 Evergreen Circle, Ste. 537
The Woodlands, TX 77380
Attorneys for Plaintiff

/s/ Robert L. Craig, Jr.

Of the Firm

CAUSE NO. 12346-D

DAVID HILTON,

§ IN THE 350TH DISTRICT COURT

Plaintiff,

§

VS.

§ OF

BRANDON COLE ALEXANDER,
TIMOTHY R. GEORGE, TRANSCORR,
LLC, 5J OILFIELD SERVICES, LLC,
ADVANTAGE BUCKET TRUCK
SERVICES, LLC, JOHN DOE 1, and
JOHN DOE 2,

§

Defendants.

§ TAYLOR COUNTY, TEXAS

DEFENDANT BRANDON COLE ALEXANDER'S ORIGINAL ANSWER

TO THE HONORABLE COURT:

NOW COMES Brandon Cole Alexander, one of the Defendants in the above entitled and numbered cause, in answer to Plaintiff's Original Petition and to respectfully show the Court the following:

1.

The Defendant denies each and every material allegation contained in Plaintiff's Original Petition and demands strict proof thereof.

WHEREFORE, HAVING ANSWERED HEREIN, Defendant Brandon Cole Alexander prays that the true facts be ascertained, that he be relieved from any and all liability in connection with this lawsuit, and that he be discharged with his costs.

Respectfully submitted,

McMAHON SUROVIK SUTTLE, P.C.
P.O. Box 3679
Abilene, Texas 79604
(325) 676-9183 Telephone
(325) 676-8836 FAX

BY: /s/ Robert B. Wagstaff

Robert B. Wagstaff
State Bar No. 20665000
rwegstaff@mcmahonlawtx.com
Paralegal: Amanda Livezey
alvezey@mcmahonlawtx.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true copy of the above and foregoing instrument was forwarded to all attorneys of record on this 11th day of February, 2021, in accordance with the Texas Rules of Civil Procedure.

/s/ Robert B. Wagstaff
ROBERT B. WAGSTAFF

CAUSE NO. 12346-D

DAVID HILTON
Plaintiff,

V.

BRANDON COLE ALEXANDER,
TIMOTHY R. GEORGE, TRANSCORR, LLC,
5J OILFIELD SERVICES, LLC,
ADVANTAGE BUCKET TRUCK SERVICES,
LLC, JOHN DOE 1 AND JOHN DOE 2
Defendants.

§ IN THE DISTRICT COURT OF
§
§
§ TAYLOR COUNTY, TEXAS
§
§ 350TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **5J OILFIELD SERVICES, LLC**, one of the Defendants in the above numbered and entitled cause, and files this Original Answer and for such Answer would respectfully show the following:

1.

Defendant invokes the provisions of Rule 92, Texas Rules of Civil Procedure; and does thereby exercise its legal right to require Plaintiff to prove all the allegations of his pleading, which are denied, and, accordingly, Defendant generally denies the allegations of Plaintiff's pleading and demands strict proof thereof by a preponderance of the evidence.

2.

AFFIRMATIVE DEFENSES

Defendant would show that Plaintiff's damages, if any, were contributed to or solely caused by matters or conditions not under the control of Defendant, or by conduct of parties over whom Defendant had no control. Said damages were caused in whole or in part by Plaintiff's

own negligence, acts or omissions. Included among such conduct was Plaintiff's failure to drive a safe speed, failure to keep a proper lookout and heed appropriate warnings and information provided by escort vehicles and other circumstances of this event, and failure to drive take reasonable defensive and evasive action that would have prevented any damage. Accordingly, Defendant asserts all rights, privileges and remedies afforded or available to it pursuant to Chapter 33 of the Texas Civil Practices & Remedies Code, and all applicable common and statutory laws of the state of Texas.

3.

Additionally, and/or in the alternative, Defendant would affirmatively show that the accident in question was not causally related to any conduct of this Defendant and/or Plaintiff's injuries and damages, if any, were caused by an unavoidable accident and/or were not the result of the negligence of any person or party.

4.

REQUEST FOR JURY

Defendant in the above styled and numbered cause respectfully requests that this matter be set upon the Court's jury docket for trial by jury at such time as it is set for trial. Defendant would show that in conjunction with this request the requisite jury fee has been tendered to the Clerk of the Court.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff recover nothing, that Defendant recovers costs of court, and Defendant requests general relief.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, PLLC
8310 Capital of Texas Highway North, Suite 490
Austin, Texas 78731
(512) 479-0300
FAX (512) 474-1901
aspy@namanhowell.com

BY:



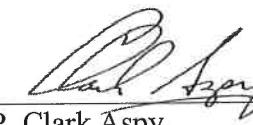
P. Clark Aspy
State Bar No. 01394170

ATTORNEY FOR DEFENDANT, 5J OILFIELD
SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded by the manner indicated below to all counsel of record on this 19th day of February 2021.

Katherine James
John Hallman
The James Law Firm
1095 Evergreen Circle, Suite 537
The Woodlands, Texas 77380


P. Clark Aspy